

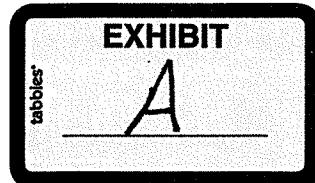
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

RICHARD HYLLAND, )  
Plaintiff, )  
v. ) CIV. NO. 16-04060  
RUSSELL FLAUM, )  
Defendant. )

AFFIDAVIT OF RUSSELL FLAUM

I, Russell Flaum, being first duly sworn on oath, depose and state as follows:

1. I am over the age of 18 and have personal knowledge of the matters set forth herein.
2. I am a resident of Chicago, Illinois. I have been a resident of Illinois since April, 1979.
3. I also maintain a residence in Indian Wells, California. Until approximately April, 2016, I was a member of the Indian Wells Country Club.
4. I am not, and have never been, a resident of South Dakota. I have never been to South Dakota and have never conducted business in South Dakota. I own no property in South Dakota.
5. Richard Hylland ("Hylland") and his wife, Traci Hylland ("Ms. Hylland") have maintained a residence at 77158 Iroquois, Indian Wells, California since 2009 and typically spend most of the year in California. The Hyllands also have been and continue to be members of Indian Wells Country Club.
6. I first met Ms. Hylland at the Indian Wells Country Club in or about the winter of 2014.



7. In or about February, 2015, Ms. Hylland and I first began playing tennis together in California. We played both singles and doubles. We played together eight to nine times in February, 2015, six times in March, 2015, eight times in April, 2015, and once in May, 2015. The majority of these tennis sessions were at the Indian Wells Tennis Gardens. We also played two or three times at the Hyatt Resort in Indian Wells California, and one at the Monterrey Country Club in Palm Desert, California.

8. I met Ms. Hylland and some of her friends at the BNP Paribas Tennis Open in Indian Wells on two occasions in mid-March of 2015.

9. I watched Ms. Hylland participate in a USTA tennis tournament at the Las Palmas Tennis Club in Rancho Mirage, California on one day in mid-March of 2015.

10. I went to brunch three times with Ms. Hylland after completing tennis during the months of March and April, 2015 in La Quinta, California.

11. Ms. Hylland and I met once in late March, 2015 at Pete Carlson's Tennis Shop in Palm Desert, California.

12. Ms. Hylland and I met one evening on April 10, 2015 in Beverly Hills, California.

13. Ms. Hylland and I also met one morning in Palm Desert, California.

14. At her request, on May 1, 2015, I met with Ms. Hylland and her therapist, Dr. Jerry Mients, in Palm Desert, California.

15. The last time that I saw Ms. Hyland was on May 6, 2015 in Indian Wells, California. I never saw Ms. Hylland outside of California. Between May 7, 2015 and May 23, 2015, I communicated with Ms. Hylland electronically either through calls and texts to and from her cell phone, or through emails.

16. On or about May 23, 2015, Ms. Hylland left California, and my only contact with her thereafter was electronically through either calls and texts to and from her cell phone, or through emails. The last contact I had with Ms. Hylland was on or about July 10, 2015.

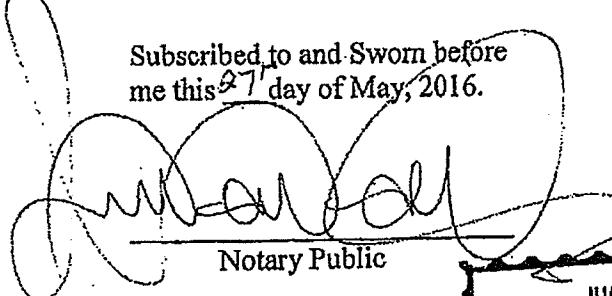
17. The Hyllands continue to reside part time in Indian Wells California. In or about November, 2015, I returned to Indian Wells California, and the Hyllands were there at that time. I had no contact with Ms. Hylland. I saw Hylland in Indian Wells, California during the last week of April, 2016. I was served with summons in this case on April 29, 2016 while I was in California.

18. Virtually anyone who could testify as to my relationship with Ms. Hylland resides in California. This would include Dr. Mients; Nancy Berryhill, a friend of Ms. Hylland; numerous members and employees of Indian Wells Country Club and the Indian Wells Tennis Gardens; and employees of the Monterrey Country Club, the Las Palmas Tennis Club, and Pete Carlson's Tennis Shop.



Russell Flaum

Subscribed to and Sworn before  
me this 27 day of May, 2016.



Notary Public

